

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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DOUGLAS RUSSELL

Plaintiff,

v.

MICHAEL J. ASTRUE,¹
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

CONSENT ORDER TO REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

Civil Action
No. 06-0676

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This matter having been opened to the Court by GLENN T. SUDDABY, United States Attorney for the Northern District of New York, and MARGARET A. DONAGHY, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence four of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff having consented to the within order and the requested remand, and the Court having considered the matter,

¹ Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

IT IS on this 14th day of May, 2007;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).



FREDERICK J. SCULLIN, Jr.
Senior Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

GLENN T. SUDDABY
United States Attorney

By: /s/ Margaret A. Donaghy
Margaret A. Donaghy
Bar Number: 514047

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By: /S/ Stephen J. Mastaitis, P.C.
Stephen J. Mastaitis, Jr.